G. R. S. IX-5]

Previous references.

File No. 234-22

192 0 .

Serial Nos 1-11.

(Ab.)

Later references.

Ab. 274-22 (1-2)
" 24-22 (1-2)
" 210-22 (1-2)
" 118-23 (1-2)

Present.

Preserve

B.

25/7/23

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eleven

Part B for June 1922.

SUBJECT.

Amendment of Legal Practitioners' Rules so as to admit of the District Superintendents of Police as Advocates after their retirement.

8(a). To the Registrar, Chief Court.

No. J 5115 dt 6.5.22

Sanctions the rules as revised by the Chief Court with certain additions

WD 1888—GPB—16,826—23-7-21

Nayar Thuran
6/6/22.

F. R. S. 11] 1920-24

GENERAL AND REVENUE SECRETARIAT.

(As)

NOTES.

File No. 234-20

FILE HEADING.

Amendment of Legal Practitioners' Rules so as to admit of the District Superintendents of police to practice as Advocates after their retirement

From

The I. G. of Police

No. 2357 Dated 2-4-1921 Received 5-4-1924

Diary No. 20853	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests for reasons stated that the District Superintendents of Police may be allowed to practise as Advocates as in the case of Munsiffs Subjudges or Districtjudges or 1st Class magistrates

NOTES AND ORDERS.

Kind reference is invited to Sub division (e) of clause 1 of section 6 on Page 69 of the Civil Digest (1919 edition) The District Court may have to be consulted. Submitted for orders 2) Yes. Please refer to Legal Remembrancer

13/5/24

24/5

NOTES—First Sheet.

G. R. S. III-2

General and Revenue Secretariat.

File No. 234 of 1920-21

Serial No.	
	3) Submitted with a draft with reference to para 2 above. 8/6/21 SBP
	4) D/f to Collr Sylhet for appt 2nd Member D. M. 8/6
	5) 30/27.7. 1/9/21
	6) D/f D. M. 21
2	To The Registrar each Court and 92 dt 8.9.1921. Forwards copy of the above letter and calls for opinion of the Judges of the each court in the matter.
3	From. The Registrar, Chief Court. 21. Dis 9/21-22 dt 16-7-1922 With reference to S.2. says that the Judges are not in favour of Extending the Rules to Police Inspts or Other Selected Officers
7)	Submitted for orders 22/7. SBP
	8) Mem. Instrs a suitable D/f D. M. 5/8

NOTE—Contn. sheet.

RECD 9 JUL 1921

G. R. S. III-2.

General and Revenue Secretariat. | Cto File No. 234 of 1920.-21

Serial No.

Draft Rules if approved

8/8 W/K

2nd Member D.M. 16/8

1255/16.8.21

10) Ltd 21/8 W

1) Steps may be taken to amend the rule withdrawing the privilege given to Indian subjects of His Majesty mentioned as Appeals.

Ltd *

Agreed D.M. 22/8

Please take action as proposed in the other question

L. 1. To The S.P. & Police No. J 915 Dt. 23.8.1921

States that the proposal does not commend itself to Govt.

Ltd.

12) The Chief Court have suggested that the rule need not be extended to other persons. They have not suggested that the present rule may be deleted.

13) If it is intended that the rule is to be deleted, the Residency has to be moved in the matter, as the manuscripts, subpages and

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Cb File No. 234 of 1920-21

Serial No.

and District Judges of the C and M States and Coorg Can enrol as Advocates in the Mysore State

16) Submitted for orders

23/8/21 2nd Member) - dcg 27/8/21

15) Why was the concession given to foreign lawyers. Put up the file if any written enquiry.

dcg 26/8

To the general Records for kindly putting up the file relating to the order no 5838/J6798 21.11.1896. A formal requisition is also sent

23/8.21

Legis 80-96 sl 1-2 "A" containing the orig: form resp.

dcg 1.9.21

1732 3/9/21

16) Submitted with the file relating to Legis 80 of 96-97 sls 1-2 relating to the admission as advocates of foreign lawyers

2.9.21 2nd Member) dcg 2/9/21

17) Why not suggest when the Bar Council Enactment & the rule relating to the Enactment & the Mysore Pleaders, stopping such enrolment also. Necessary forms

dcg 1.9.21

18) Draft to the Registrar Ch. Ct. as desired, please.

dcg 2/9

Cb 7

NOTE—Contn. sheet.

General and Revenue Secretariat. | Cts File No. 234 of 1920.

Serial No.

19). Submitted with a draft for approval

By

20) I sent

21.9.21 21-9-21.

21/9

So the Registrar sch court

no. D 1698 dt 23-9-1921

Enquiries whether the rules cannot be so amended as, altogether in future, to stop the enrolment of retired officers as Advocates if there is no need for the same now

Sup pt

From

6 The Registrar Sch Court

Letter no Roc 356 dt 19.10.21

States that it will be desirable to stop altogether the enrolment of Retired officers and suggests that the enrolment of the retired officers of the Ceded Districts may be stopped and requests Government to issue suitable amendment in the matter.

21) Submitted for orders with reference to paragraph (17) above.

By

25.10.21 22) It is a point for consideration whether retired officers possessing the qualification required by the Chief Court of the Ceded Districts can be disqualified without reference to the

NOTE—Contn. sheet.

Serial No.

authorities of the Cantt Station. The reason assigned for their exclusion is that the Chief Court has no means of judging their merits. But their merits must have been judged by the highest judicial authority of that Station and a certificate from that authority of their merit may perhaps be considered sufficient.

2) Again the Chief Court does not want to penalise officers possessing required qualification otherwise but the amendment proposed seems to require additional qualification in their case even though they may possess two degrees. The word 'and' occurring after 'L L B' seems to suggest this. Perhaps it has to be changed to 'or'. ~~Or if it is not so, and if it is~~ Then ~~that~~ the words "any person" have to be changed into "any other officer of the Mysore Govt". If the latter is omitted & the words "any person" are retained there would be some conflict of ideas between this sub-rule and the 2nd sentence of sub-rule (c). ~~If~~ If it is held that the latter

NOTE—Contn. sheet.

Serial No.

rule applies to all law graduates irrespective of the fact they were in service or not. Then it would be better to make clause (c) plainer by substituting "any retired officer &c" for 'any person'

28/10.

24) The amendment now proposed by the Chief Court, aims at excluding only those retired judges who are not graduates in Law. This, I believe, was exactly what was intended by the communication from Govt.; as otherwise there will be a conflict between clauses (c) and (e) of the rules. A graduate in law can claim for enrolment under cl (c) whether he is a retired officer or not. The object in view will be gained by deleting cl (e) altogether, instead of amending it as proposed by the Chief Court. Cl (e) as amended will ~~cl (c) and will lead to trouble~~ have the same effect as when it is not in existence. Deleting cl (e) may be proposed to the ch court 3rd member)

2657/29.10

25) Hon'ble Mr. B's plan of Madras Municipality. Papers laid on table in pursuance of Legislative Council Resolution

28-10-21

1/4/21

NOTE—Contn. sheet.

Serial No.

26) They have to pass an examination in 'The Law of Practice & Procedure'. Please put up references

CAG
4.11.21

Sd.

27) They have to pass an examination in the Law of Practice and Procedure - Vide Page 69 - rule 6-1-8 of the the civil Digest

3rd member).

CAG
7.11.21

2790
8/11

5.11.21
5/11

28) Law graduates are entitled to be enrolled under rule (C) & his appeal of his rule was to debar them from ~~enrolment~~ enrolment if they enter his first service & are appointed Judges & Magistrates unless they have put in 5 years service as such Judges & Magistrates. If they happen the graduates of the Madras University, they might be exempted from passing his exam in the Law of practice & procedure & that is his only advantage they will have - So his deletion of rule C may be suggested It may also be suggested that they can write in Law & his first that he clears 2nd grade Pleaders is intended to be done away with & that is produce his

NOTE—Contn. sheet.

(9

1562

R. S. III-2]

General and Revenue Secretariat.

File No. 28h of 1920

Serial No.

~~Any~~ recruit must [illegible] 2 1st grade pleaders from amongst [illegible] 2nd grade pleaders is not possible, but candidates mentioned in rule II (c) that a candidate must have passed his civil & criminal [illegible] which may not be done unless he is a pass only when considered sufficient. Since our examinations are in no way [illegible] to [illegible] 1st grade [illegible] pleaders' examinations of Madras and are in point of [illegible] equal with [illegible] Laws &c.

5/11

29) Draft please.

Cag
10.11.

30) Submitted draft

31) Issue.

Cag
12.11

11.11.21

30/11/21

The Registrar
High Court
No J 2428 dt 14-11-1921

Calls for opinion of the Judges of the High Court in the matter

from
The Registrar, High Court
Letter no Roc 356 J 28.11.1921
States that, if Clause (c) of Rule 4 thereof is deleted, Law graduates of the Madras [illegible] would

Dis A
17/11

NOTE—Contn. sheet.

General and Revenue Secretariat. | File No. 234 of 1920-21

Serial No.

[illegible] the Madras Apprentices Examination or an examination in the Law & Practice and Procedure, as in clause (f) of the draft rule and that the proposed amendment gives a concession to these new graduates that they would not have these examinations if they have practised as a pleader of the Civil Court or exercised the powers of a First Class Magistrate for five years and that the amendment proposed may stand and as regards Rule 2 (c) the necessary corrections have already been made

32) Submitted for orders

1.12.21

33) The point, as to exemption of the Graduates Lawyers from passing the examination in Law of Practice & Procedure, was raised and considered by the member, in his last order. If the Chief Court think, that such Grads & Magistrates may be exempted on the ground that they may be presumed to have sufficient knowledge of procedure, the appropriate place to provide for such an exemption is under I (f) of the present rules, which requires law graduates & pleaders to pass the Examination. This exemption may cause

NOTE.—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 1881 of 1920.

Serial No.

as an exemption under, & exceptions to, that rule. Amending cl (c) as suggested by the Chief Court, will, as already pointed out in my note of 28.10.21, clash to a certain extent with cl (c) of the rules, and will look incongruous if not wholly redundant. If approved, this will be printed out to the Chief-Court. The proper course will be to delete cl (c) and add a proviso to I(f) to bring about the result desired by the Chief-Court.

Gen Secy

Cag 2/12

34) Not necessary, Thank

35)

Please put up a copy if available Cag 6/12

36)

37) Instructed vide a typed copy of the rules with the changes noted in the margin - Reg W

7/12/21 7/12

38) Reg W is a typed copy.

Gen Secy

Cag 8/12

39) It is difficult to see why so much tenderness should be shown to ~~pushed~~ officers who shall have done their life's work and earned well-merited rest. Rather it is the struggling young man at the Bar that should deserve protection, ~~[illegible]~~ and sympathy. All things considered it seems best -

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 28h of 1920.

Serial No.	
	delete clause (E) altogether from the rules. Such a provision was necessary when qualified ~~men~~ legal practitioners in sufficient numbers were lacking. The raison d'être for the rule has ceased to exist.
(40)	[To refer to the C.S.M. Station authorities would be necessary to abolish the rule]
	18/12/20. cwg 18/12
9388 16/12	3rd member.
(41)	Hon. Minister need not depress himself unduly to create a small point. The rule as proposed by Mr. is favourable to Mr. like myself & Mr. who ~~have~~ after having passed the B.L. examination entered the service without practising at the Bar. The amendment proposed by the Law Member may be approved.
	16/12/20
(42)	Put up draft app'g
	16/12 cwg

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | As File No. 284 of 1921-2

Serial No.

43) Submitted with a draft

44) Respectfully submitted.

17-12-21

45) I may be permitted to point out again — I cannot help pointing it out — that amending Cl (e) as suggested by the Chief Court, will not bring about the result desired by the Chief Court. Their point is that Judges & Magistrates of certain years' standing, if they are graduates in law, must be exempted from passing the Examination in the Law of Practice & Procedure, before enrolling themselves as Advocates. I submit that Cl I (f), will govern Cl (e) in the amended form, as it does Cl (c), and persons coming under Cl (e) as amended, will have to pass the ~~Law~~ Examination if the degree is a Madras Law degree.

46) In Cl (e) as it now stands, there is no reference to a Law degree & hence I (f) does not apply to it.

47) For these reasons, as I pointed out before, Cl (e) will have to be deleted, and an exception in case of Judges & Magistrates of certain years'

NOTE—Contn. sheet.

Serial No.

standing to be made in cl (1)f.
Keeping cl (e) as amended as per to the objections already given in my previous note. Subd for consideration.

Govt Secy) Cag 17.12.21

(8) Hon'ble Chief Justice Sd 21/12

49) The rules may be recast as follows:
(1) Clause (e) may be split by bringing for graduates in law under a separate main head. They are the main source for recruitment for the Bar now.

50) (2) The proposed clause (E) may be brought as a proviso or exception to clause (f) as follows:—
"Provided that if the applicant has presided as a judge over a Civil Court or exercised the powers etc. ..... years; it shall not be necessary to produce such Certificate".

Sd 21/12/21.

[Rules to be typed & Carefully renumbered]

51) 3rd Member) — Approved. a typed copy may be laid when Chief Court for remarks — the Lower Subordinate rules may be amended so as to bring in those who have obtained the 10th years' Course Certificate & the Degree in Chemistry. Sd 22/12

Cag 22/12

Typed copy laid Sd 21/12 Flag W 3552 21/12/21

NOTE—Contra sheet

Cag 1/12/21 Sd

52) Secy to kindly arrange Sd 22/12

02.112

[G. R. S. III-2]

General and Revenue Secretariat.

File No. 2 84 of 1922.

Serial No.

53) Submitted with draft together with a typed copy of the rules as revised

54) Certain alterations are made.

55) For approval

Govt. Secy) 21.1.22

56) Issue - Sea changes made. If these may be all right. If not Send up - else issue draft

28/1

57)

57) Submitted with fair copy. may it issue?

58) Yes

1/2/22

9 The Registrar, Chief Ct.

9.3693 of 1.2.22

Forwards a copy of rules proposed to be amended & Govt. and calls for the opinion of the Judges in the matter

Letter No R.O.C 356 of 21.3.22

from

The Registrar, Chief Court-

With ref. to No 9 calling for remarks of the Chief Court on the

NOTE—Contn. sheet.

G. R S. III-2]

General and Revenue Secretariat. | 24 File No. 234 of 1920.

Serial No.

The draft rules for the admission & enrolment of Pleaders & Advocates furnishes the opinion of the Judges on certain points-

R. 59) A set of Rules as amended by the Judges have been forwarded for approval. Submitted
Sd/-
24-3-22

24/3 60) It was because the Chief Court suggested an amendment to cl (e) of the rules in force that an amended draft was sent to the Chief Court for opinion.

61) The set of draft rules now proposed by the Chief Court takes notice of the amendment proposed, and suggests a better method also - vide cl. (e). ~~(etc)~~ cl (e) (2) provides that where a ~~Court~~ degree in law, does not include an examination in the law of practice & procedure, a candidate shall before enrolment pass an examination considered sufficient in that subject by the Chief Court. At the present, the degree ~~Law~~ Examination in Law & Procedure of the Madras

Flag X.

NOTE—Contn. sheet.

apprenticeship course, are considered sufficient.

62) Clauses (f) & (g) are taken from the Civil Digest and are already in force.

63) Cl (h) is an addition, on the analogy of a similar restriction placed on pleaders. This is a new clause and has to be approved. Its aim at preventing ~~Advocates from~~ Govt servants from practising, even when they are on leave, even when this preparatory to retirement.

64) Rules regarding 1st grade - new coming - pleaders, are those in force

65) Part III regarding second grade pleaders will remain in force till October next & then has to be deleted.

66) Parts V & VI relating to enrolment, are taken from the Civil Digest, and are in force now.

67) The advantage in the present form is that all rules connected with enrolment are collected & placed together. All the rules except clause e & g are now in force. E & g

Serial No.

are amendments which have got to be approved. Draft as set up by the Chief Court may be approved as it covers all points raised. There is nothing further to suggest.

Govt Secy

Cag
11/4/22

6e) As to Khaddar discussion in Assembly (see) at 2/m. Sk

6g) The rules as framed by the Ch. Ct. may be approved with the following modifications:-

7b) (1) In Rule I (e) (2) the following shall be inserted between the words "provided" & "that", namely:- the

"that he has passed the examination in the Law of Practice & Procedure Comprised in the Upper Local Service & Pleaders' Ex- or"

7f) Note (ii) may be deleted - (B) being marked as (A)

7g) This alteration seems necessary as the test in the Law of Practice & Procedure has been prescribed as a qualifying test with the approval of Govt and it does not seem

NOTE—Contn. sheet.

Serial No.

appropriate that the Ch. Cl. Shd have the option of accepting it- or not as a sufficient test.

73) Rule 11 (C). Change "may pass" into "has passed" and add the words Comptroller in the Mysore Local Service and Pleaders' Exns" after "Reporter's Exns"

74) [A typed copy of the rule as amended is placed in the file]

24/4

The Sh 2nd Member).

24.4

75) 74) There is much force in the remarks of the Legal Secretary. But the Govt could may not understand the object of the change unless it is explained to them. In practice however the Govt could will not prescribe a different examination for the newly appointed as regards rule 11 e may be adopted. The rules as revised may be approved. Draft copies to be sent to the Govt.

Sd

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 234 of 1924-24

Serial No.

Sealed

76) This file was received with orders of members together with the file re permission to mr B. Ramoji Rao to ~~for~~ enrol himself as an advocate.

Submitted with a draft. In approval

1.5.22 — Gen Secy) 1/5

77) Issue 1/5

To

The Registrar Chief Court

G.O. No 5115 dt 6.5.22

Sanctioning the rules as revised by the Chief Court with certain additions

NOTE—Contn. sheet.

...20853 4

No. C 2357/20

Office of the Inspector General of Police in Mysore

Dated Bangalore, the 1st April 1921.

2 — Ab

C. 234-20

1

From

A. SUBRAHMANYA IYER, Esq., B.A.,

Inspector General of Police in Mysore.

To

B. RAMASWAMAIYA, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

Revenue Department.

Sir,

I have the honor to state that representations have been made to me by some of the District Superintendents of Police who have advanced in years that they are losing certain benefits accruing to other officers under the Pleader Test Rules, by being drafted to the Police Department.

Those rules provide for an officer practising as an advocate if he has exercised the powers of a Magistrate of the 1st Class for 5 years.

The marginally* noted District Superintendents of Police had 1st Class powers conferred on them while serving in the Revenue Department, and would certainly have qualified themselves under this rule had they not been transferred to the Police Department. Of the other Superintendents, Mr. Gopal Rao has been a special 2nd Class Magistrate and the rest have had 2nd Class powers conferred upon them while they were Amildars.

Mr. Machia
Hayes
Hukh

The work in the Police Department is not less onerous than that in the Judicial Department, as officers in both the Departments, they have to record evidence and appreciate the same in the ends of jutice, and in my opinion the Police officers acting as prosecutors have a better chance of getting at all the phases of a case and the experience thus gained will certainly help in a great way to better appreciate evidence and dispense justice.

Such being the case it appears just that such of the

Superintendents

From

The Inspector General of Police in Mysore

To

The Secretary to the Govt. of Mysore, Rev. Deptt.

Dated 18th April 1924

Despatched

Received

General No.

No.

Enclosure No.

Superintendents who have passed the required tests should be allowed to practice as Advocates after their retirement from Service provided they have served 5 years as Superintendents in the Department.

I therefore request that you will kindly obtain the orders of Government for the necessary modification of the Pleaders Test Rules.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

4/7

2

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to 2053

General and Revenue Secretariat

( )

, the *191* .

Date of issue 8/7

Signed by M Bru

Section Ch

File No. 234/2

Serial No.

No. Jgr Ch

To The Registrar Chief Court.

Sir

I am directed to forward herewith a copy of letter no. 2357 J/ 2.6.1921 from the I.G. of Police in Mysore ~~in the matter of~~ regarding the amendment of the Legal Practitioners' ~~Regulation~~ Rules so as to admit ~~of~~ District Superintendents of Police to practise as Advocates after their retirement and to request you to kindly obtain and forward the opinion of the judges of the Chief Court in the matter ~~over~~ hereunto

8/7

D. No. 6876

for Secretary

1/6/21

2068

GEN & REV. SECTT.
18 JUL 1921

1921-22

242

BANGALORE.
234-20
Dated 15th July 1921.
3

From

The REGISTRAR of the
Chief Court of Mysore.

To

The SECRETARY to the
Government of Mysore,
Revenue Department,
Bangalore.

CHI. PROTECTION BRANCH
19 JUL 1921

Sir,

Adverting to your letter No. J.92(1)/Cts. 234-20,2, dated the 8th July 1921, requesting the opinion of the Judges regarding the amendment of the Rules under the Legal Practitioners' Regulation so as to admit District Superintendents of Police to practice as Advocates, I am directed to state that the Judges are not in favour of extending the rules to Police Superintendents or any other retired officer. It may have been at one time desirable to recruit retired officers to the Bar, but there is now no need for them.

I have the honour to be,
Sir,
Your most obedient servant,

Dy. REGISTRAR.

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to 20853 / 242

File No. 434
Serial No.

General and Revenue Secretariat
( )
, the 191 .

No. 915

Date of issue 23/8

Signed by

To
The I. G. of Police
in Mysore

Sir

With ref: to your letter No. C 2357-20 1/2 April 1921, recommending that Pleaders of Ist Grade who have passed the required tests might be allowed to practise as advocates after their retirement from service

over.

I am directed to state that
the Judges of the Chief Court
are not in favour of amending
the rules under the Legal
Practitioners Regulation so as
to admit the Superintendent of Police
or any Officer to practice
as advocates after retirement
from Service

This proposal does not commend itself to Govt.

List of enclosures.

Copied by

Examined by

G. R. S. VI—G/32]

SUBJECT:.....

.....

.....

Diary No. of letter replied to 242

General and Revenue Secretariat
( )
, the *191* .

Date of issue 23/9/21

Signed by M Cag

Section Cts
File No. 236-20
Serial No. 5

No. 1698

To

The Registrar Lahore Court

Sir

With reference to your letter no 02 Dis q. D. 15-7-1921 re the amendment of rules for the admission of District Superintendents of Police, as Advocates... I am directed to enquire whether the rules cannot be so altogether in future amended as to stop the enrolment of retired officers as Advocates, ~~altogether~~ if there is no need for the same now. ~~to recruit retired officers to the bar~~

Cag

~~over~~ Shareeta

Cag
21-9-21
for Secretary

21

12706

CHIEF COURT OF MYSORE,

Bangalore, 19th October 1921.

From

A. Srinivasa Raghavachar, Esqr., B.A., B.L.,

Registrar of the Chief Court of Mysore,

B a n g a l o r e.

B. Ramaswamaiya, Esqr., B.A., B.L.,

Secretary to the Government of Mysore,

General Department, Bangalore.

S i r,

Adverting to your letter No. J.1698/Cts.234-20-5 dated the 23rd September 1921, enquiring if the rules relating to the Legal Practitioners cannot be so amended as altogether to stop in future the enrolment of retired officers as Advocates, I am directed to state that the previous opinion of the Judges communicated with this office D_1 Dis.No.9 of 21-22 dated the 15th July 1921 had reference to the admission to the ranks of advocates of retired officers <u>as such</u> and apart from any question of the possession by them of the minimum standard of legal knowledge desirable in a practising lawyer. But if any retired officers do possess such knowledge, they ought not to be penalised because they only happened to think of being enrolled as advocates after retirement from active service.

The holding of Judicial office with "good reputation" (which includes reputation for judicial capacity as well as for integrity) for five years is an excellent guarantee, prima facie, of the possession by a candidate of such working acquaintance with the law as is required for practice at the bar. The concession may be confined to the retired officers of the Mysore State as the Chief Court will have no means of satisfying itself as to the "good reputation" of officers serving elsewhere.

The enclosed amendment is therefore considered suitable and I am to request that the Government may be pleased to accord their sanction thereto.

I have the honour to be,

S i r,

Your most obedient servant,

Theeruvakkaparambu
19/10/21.

REGISTRAR.

AV.

(30

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

NOTIFICATION

R. Dis. No. dated 1921.

The Chief Court directs that the following be substituted for clause (e) of Rule I of the Rules relating to the Legal Practitioners :-

" any person who has passed a University examination in law not lower than the B.L. or LL.B., and who has either presided as a Judge over a Civil court, or exercised the powers of a first class Magistrate, in the Mysore State with good reputation for a period of not less than five years."

Thennisakrapradhan
1916/21

REGISTRAR.

AV.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to 1562

General and Revenue Secretariat

( )

, the *191* .

Date of issue 17/11/21

Signed by Mr Cary

Section C 5

File No. 2-34-20

Serial No. 7

No. J 2428

To

The Registrar Calicut Court

Sir,

With reference to your letter no Roc 356/19th October 1921, forwarding an amendment of clause (c) of Rule 1 of the Rules relating to Legal Practitioners, I am directed to observe ~~that~~ Law graduates are entitled to be enrolled under ~~the~~ clause (c) of the said rule and the effect of the proposed amendment will be to debar them from enrolment if they wish.

P.T. over.

That the object to be ~~attained~~ attained by the amendment proposed, is obtained by deleting clause (c) of the rules.

Cary
12.11

the first service and are appointed judges and magistrates unless they have put in 5 years' service as such judges and magistrates. If they happen to be Law graduates of the Madras University, the only advantage they will have is that they might be exempted from passing the Examination in the Law of Practice and Procedure. I therefore propose the deletion of Rule 2 clause (c) of Rule 1 of the Rules under the Legal Practitioners Regulation.

2. ~~They further suggest~~ I am also directed to suggest for consideration, whether in view of the fact that the class of Second grade Pleaders is intended to be done away with and that in future recruitment to the ranks of 1st grade Pleaders from among the Second grade Pleaders is not possible, the condition prescribed in Rule 2 (c) of the Rules under the Legal Practitioners Regulation, that a candidate must have passed the Revenue, Civil, Criminal and Departmental examinations in 1st class

List of enclosures.

Copied by

Examined by

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

may not be done away with, a pass only being considered sufficient, since our examinations are in no way inferior to the 1st grade Pleaders' Examination of Madras and in point of severity are equal to the B.L or LLB Law examinations.

3. I am to request you to kindly obtain and forward the opinion of the judges of the High Court in the matter.

I have etc

Asst
12.11.21

for Secretary

By
11.11.21

26594

2112/9 Rs 35 1/34

Chief Court of Mysore,

Bangalore, 28th November 1921.

Cts 234-20-8

From

A. Srinivasa Raghavachar, Esq., B.A., B.L.,

Registrar of the Chief Court of Mysore,

B a n g a l o r e.

To

S. Hiriyannaiya, Esq., M.A., B.L.,

General Secretary to the Government of

His Highness the Maharaja of Mysore,

B a n g a l o r e.

S i r,

With reference to your letter No.J.2428/Cts. 234-20-7 dated the 17th November 1921, requesting the opinion of the Judges of the Chief Court in the matter of amendment of Rules I (e) and II (c), I am directed to state that under rule I (f) (as amended by Chief - Court Notification No.R.Dis.27, dated 22nd December 1920) it is necessary for a person applying to be enrolled, who has obtained a degree in law, to pass an examination in the Law of Practice and Procedure or the Madras High Court Apprentice Examination; this however, is not necessary in the case of a law graduate who has either presided as a Judge of a Civil Court or exercised the --- powers of a First Class Magistrate for a period of not less than five years. If ~~caluse~~ clause (e) is merely deleted without the proposed amendment being introduced the -- effect would be that a law graduate who has presided over a Civil court for five years or exercised First Class

Magistrate's

(35

Magistrate's powers for a similar period will yet have to pass an examination in Practice and Prodedure or the Madras Apprentice Examination, which would be unnecessary, as it might be presumed that such a candidate would have sufficient knowledge of Practice and Procedure. The -- Judges therefor consider the amendment proposed may as well stand.

As regards amendment to Rule 2(c), I am to state that the necessary corrections have already been made. (Vide Chief Court Notification No.R.Dis. 30/19-20 dated the 12th June 1920).

I have the honor to be,

S i r,

Your most obedient servant,

28/11/21

R e g i s t r a r.

TMN/

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to 2117

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 1/2/22

Signed by M' Rs

Section U5

File No. 34-20

Serial No. 9

No. J. 3695 (1)

To

The Registrar Chief Court

Sir

With reference to the correspondence ending with your letter no Roc 356 J dt. 11.21 re the amendment of clause (e) of Rule 11 of Rules relating to the Legal Practitioners Regulation, I am directed to forward herewith a copy of Rules ~~(1) and (2)~~ as proposed to be amended by Govt and to request you to kindly obtain and forward the opinion of the Judges in the matter. over.

P.T.O.

Chancellor

for Secretary

20.1.22

Original clause (c) has been split ~~up~~ into two clauses ~~(c) + (d)~~ as the qualifications contained therein are quite distinct.

~~On~~ original cl (d) is re-numbered cl (e)

Original cl (e) and the proposed amendment ~~to leave~~ clause (e) are both omitted; as the amendment does not exempt judges & magistrates from producing the Certificate required under cl (f); and clashes with cl (d). ~~But~~ but instead, a proviso has been added to cl (f) to bring about the desired result.

Minor qualifications

for Members, cl (e) is deleted as the case contemplated is covered by cl (c), (i), (a), ~~and (b)~~ more definitely,

I have the

Copied by

Examined by

Asst Secy

Revised Rules

RULES AND ORDERS UNDER THE LEGAL PRACTITIONERS' REGULATION.

****

1. The following persons are qualified for admission as Advocates of the Chief' Court of Mysore :--

(a) Any person who has been enrolled as an Advocate under the Advocates' and Pleaders' Rules, dated 18th February 1879 and 12th December 1884.

(b) Any Barrister of any of the Inns of Courts in England or Ireland; or a Member of the Faculty of Advocates in Scotland.

(c) An Advocate, Vakil or Attorney of any of the High Courts of Judicature in British India.

(d) Any person who has obtained the degree of M.L. or B.L. in any British Indian University, and who produces a certificate of respectability of charact and good moral conduct.

(e) Any 1st grade Pleader, who has satisfactorily and intelligently practised for not less than five years, provided he has passed the B.A. Examination in any of the Indian University.

~~(f)~~ If the applicant is a B.L. or M.L. of the Madras University by virtue of having passed the examination prescribed for the said degrees held in or a after 1900 he shall also produce a certificate from the Secretary to the Board of Examiners for the Mysore Local Servic and Pleaders' Examinations, of having passed an examination in the Law of - Practice and Procedure Civil and Crimin

prevailing in the Chief Court and the Courts subordinate thereto. Provided that if the applicant has presided as a Judge over a Civil Court or exercised the powers of a 1st class Magistrate, in the Mysore State with good reputation for a period of not less than five years) it shall not be necessary to produce such certificate.

2. ~~(a)~~ Any person not a practising Advocate Vakil or Attorney of any of the High Courts of Judicature in British India, intending to apply to be admitted as an Advocate shall give one month's notice in writing to the Registrar stating his intention, and shall also insert in the Mysore Gazette a like notice for three successive weeks prior to his application.

3. Every person who desires to be enrolled as an Advocate of the Chief Court shall, when moving for enrolment, appear in person before the Chief Court, (R.P. No. 76, dated 3rd October 1888).

4. ~~2.~~ The following persons are qualified for admission as Pleaders :--

(a) Any person who has been enrolled or promoted as a Pleader, 1st grade, under the Advocates' and Pleaders' Rules dated 18th February 1879 and 12th December 1884.

(b) Any person who has passed the ~~ex~~ examination prescribed by the Chief Court for the Pleaders' of the 1st grade under the Rules published in Government Notification No. 187, dated 12th Decembe 1884.

(c) Any person who may pass in the Revenue, Civil, Criminal and Registration Examinations and who produces --

(1) a certificate of having passed the F.A. or the Intermediate or other Higher Examination in Arts in any - Indian University or

(a) a certificate of having passed the Examination at the end of the first year of the College course of the Mysore University.

(2) a certificate of respectabilit of character and good moral conduct.

(d) Any person who has passed the tests prescribed for Pleaders of the - 1st grade by any other High Courts of Judicature in British India.

(e) Any second grade Pleader who has satisfactorily and intelligently practised in any of the Courts in Mysore for no less than five years provided he has also passed the first examination in Arts in any of the Indian Universities or he can produce a certificate of - having passed the Examination at the end of the first year of the College course of the Mysore University.

20.1.22

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Cs 234-20-10 35-95 g

Roc No. 356 Sec 21-22

GEN & REV. 22 MAR 1922

Cs 243

JUDICIAL Br

Chief Court of Mysore,
Bangalore, 21st March 1922.

From

G. Srinivasa Iyer, Esq., B.A., M.L.,
Registrar of the Chief Court of Mysore,
Bangalore.

To

S. Hiriyannaiya, Esq., M.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

Adverting to your letter No.J.3693(1) Cts. 234-20-9 dated 1st February 1922, forwarding for the opinion of the Chief Court, suggestions for the amendment of the rules under Section 10 of the Legal Practitioners' Regulation for the admission and enrolment of Advocates and Pleaders, I am directed to state that in the absence of any statement of the objects which the alterations are intended to promote the Judges find some difficulty in appreciating the views of the Government on some points.

The note to Rule 1(d) as drafted does not apparently take into consideration the possibility that some of the Indian Universities other than the Madras University may prescribe courses for Law degrees which may not include the study of practice and procedure, and the rules in the opinion of the Judges ought to be as general as possible to avoid the need for frequent amendments.

The

The Judges do not know why it is now proposed to compel Madras Law Graduates to take a Mysore Examination before enrolment. There is no ~~pason~~ reason to suppose that the examination for apprentices now held in Madras does not afford an adequate test of the candidate's knowledge of practice and procedure, nor does there seem to be any reason why the candidate should be required to take a Mysore examination merely because his knowledge of practice and procedure has been tested by an examination separate from his degree examination. In no case is it likely that the degree examination of any University outside Mysore will include an examination in Mysore practice and procedure prescribed for study in British Indian Universities is sufficient when prescribed for the degree examination. to justify enrolment in Mysore, a separate examination in the same practice and the same procedure should also be sufficient.

I am to enclose a set of Rules amended by the Judges and to state that if they meet with the approval of the Government, they may be issued instead of those at present in force.

I have the honor to be,

S i r,

Your most obedient servant,

E Srinivasan

REGISTRAR.

TMN/

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

N O T I F I C A T I O N.

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R. Dis. No.....of 19 -19

dated the .....

In supersession of the existing rules regarding the qualifications of candidates for admission as Advocates of the Chief Court of Mysore, and as Pleaders, the Chief Court issues the following rules :--

I. The following persons are qualified for admision as Advocates of the Chief Court of Mysore :--

(a) Any person who has been enrolled as an Advocate under the Advocates' and Pleaders' Rules, dated the 18th February 1879, and 12th December 1884.

(b) Any Barrister of any of the Inns of Courts in England or Ireland, or a member of the Faculty of Advocates in Scotland.

(c) Any advocate, Vakil or Attorney of any of the High Courts of Judicature in British India.

(d) Any person enrolled as a pleader of the first or highest grade under the Mysore Legal Practitioners' Regulation who has practised satisfactorily and intelligently for not less than five years, provided he has passed the B.A. Examination in any Indian University.

(e) Any person who has obtained the degree of Master of Laws or of Bachelor of Laws or its equivalent in any Indian University and who produces evidence to the satisfaction of the Chief Court (1) as to his character and conduct and

[This was not suggested by Govt. The wording should rules was retained. Vide Rule I (e) printed on p. 78 of the Civil Digest.]

> "It is perhaps better to frame this rule in more general language than that suggested by the Government; Any one can produce a certificate of good character from some one or -- other: a fellow thief for instance, and as the rule stands we would be bound to accept it Hence necessary changes are made".

(2) where the examination for the degree of Master of Laws or Bachelor of Laws or its equivalent does not include an examination in the Law of Practice and procedure, that he has passed in those subjects an examination which is declared to be sufficient by the Chief Court.

N O T E :--

At present the following examinations are declared to be sufficient under this Rule :--

(A). The Examination in the Law of practice and Procedure comprised in the Mysore Local Service and Pleaders' Examinations.

(B). The Madras High Court Apprentices' Examination.

Provided that if the applicant has passed a University Examination in law not lower than the B.L. or LL.B. and who has either presided as a Judge over a civil court or exercised the powers

of a First Class Magistrate, in the Mysore State with good reputation for a period of not less than five years, it shall not be necessary to produce a certificate referred to in 1 (e), (1) and (2) above.

(f). Any person not a practising Advocate, Vakil or Attroney of any of the High Courts of Judicature in British India, intending to apply to be admitted as an Advocate shall give one month's notice in -- writing to the Registrar, stating his intention, and shall also insert in the Mysore Gazette a like notice for three successive weeks prior to his application.

(g). Every person who desires to be enrolled as an Advocate of the Chief Court shall, when moving for enrolment, appear in person before the Chief Court.

(h). Every application shall be accompanied by a declaration by the applicant in writing that he is not in the Service of the Govern-- ment of Mysore. If an advocate after obtaining a certificate, accepts Government Service, he shall not be entitled to practise whilst in such service, even if he be on leave.

This provision is added on the analogy of the existing rule as regards Pleaders, recently sanctioned by Government. Similar rules are to be found in the rules in British India.

II. The following persons are qualified for admission as Pleaders :--

(a) Any person who has been enrolled or promoted as a Pleader, first grade, under the Advocates' and Pleaders' Rules, dated the 18th February 1879 and 12th December 1884.

(b) Any person who has passed the examination prescribed by the Chief Court for the Pleaders of the

First Grade, under the rules published in Government Notification No.187, dated the 12th December 1884.

has passed

(c). Any person who may pass the Revenue, Civil, Criminal, and Registration Examinations, and who produces

Compared in the Intermediate Pleaders Exam.

(i) a certificate of having passed the F.A. or the Intermediate or other higher examination in Arts in any Indian University.

O R

a certificate of having passed the examination at the end of the first year of the College course of the Mysore University.

a n d

(ii) Evidence to the satisfaction of the Chief Court as to his character and conduct.

(d). Any person who has passed the tests prescribed for Pleaders of the First Grade by any High Court of Judicature in British India and who produces evidence to the satisfaction of the Chief Court as to his character and conduct.

III. The following persons are qualified for admission as Pleaders of the Second Grade provided they apply for admission on or before the 22nd October 1922 :--

(a) All persons enrolled under the Advocates' and Pleaders' Rules, dated the 18th February 1879 and 12th December 1884, as Pleaders of the Second Grade.

(b) Any person who has passed the examination prescribed by the Chief Court for Pleaders of the Second Grade under the Rules published in Government Notification No.187 dated 12th December 1884.

(c) Any person who may pass in the 2nd class, the Revenue, Civil, Criminal and Registration Examinations

examinations and who produces

(i) a certificate of having passed the Matriculation or other higher examination in Arts in any Indian University or a completed Secondary School-Leaving Certificat

a n d

(ii) evidence to the satisfaction of the Chief Court as to his character and conduct.

The provisions of Clause (a) of Rule II and Clause (a of Rule III do not apply to any person who has been enrolled conditionally on passing any examination.

IV. Application for admission as a Pleader shall be accompanied by certificates of qualifications prescribe by Rule II or III and a declaration by the applicant that he is not in Government Service. If a pleader aft obtaining a certificate accepts Government Service, he shall not be entitled to practise whilst in such servic even if he be on leave.

V. All certificates granted under Section 11 or 12 of the Mysore Legal Practitioners' Regulation, 1884, shall be engrossed on Mysore Court Fee Stamp papers of the values hereunder mentioned, viz.

	Rs.
(1) For an Advocate..	300
(2) For a pleader of the 1st grade..	15
(3) For a pleader of the 2nd grade..	10

Provided that no stamp fee shall be required for a certificate granted to a person qualified under --- clause (a) of Rule I.

Provided further that a Pleader of the Second Grade who has qualified himself for admission as a Pleader of the 1st grade after having paid the fee

payable

payable by a Pleader of the Second Grade for that year shall be required to pay only the additional stamp fee of Rs.5/-.

. 2. No advocate or pleader shall be allowed to appear in any case or proceeding on behalf of another advocate or pleader, except under very special circumstances and with the permission of the court previously obtained. (R.P. No.54, dated 22nd October 1884).

3. All applications for renewal of certificates under Section 12 of the Mysore Legal Practitioners' Regulation, III of 1884, should be submitted so as to reach the Chief Court not later than the 10th of December of the year preceding that for which the certificate has to be renewed. Such applications should be presented to the Judge in whose court the applicant generally practises. The Judge will forward the applications to the Chief Court together with his remarks thereon. Applications made to the Sub Judges or Munsiffs will be forwarded through the District Judge to whom they are subordinate. (R.P. No.75, dated 1st August 1888).

E Ramiah

R E G I S T R A R.

TMN/

G.R.S. VI G 34]

SUBJECT.....

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Diary No. of letter replied to 3595

General and Revenue Secretariat

( )

, *the* 192 .

Date of issue.... 6/5/22

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section C5

File No. 234-20

Serial No. 11

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Correspondence ending with letter no Roc 356 dy 21.3.1922 suggesting amendments to the Rules issued under the Legal Practitioners Regulation for ~~incorporated~~ Enrolment as Advocates and Pleaders in Mysore.

Order Thereon No. J 5115

The rules as amended by the Chief Court are approved subject to the following changes and returned

(a) In rule 11 (c) change 'may pass' into 'has passed'

(6)
add the words 'Comprised
in the Mysore Local Service
and Headers' Examination
after' Registration Examinatio
The rules will be brought into
force from 1st July 1922.

Fuller

Cab
115

Regr Chief Court with a.c.

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List of enclosures.

Copied by

Examined by

WD 1883—GPB—1,000,00—21-12-21